

The Examiner has rejected claims 1-3 under 35 USC 103 as being obvious over Ishimatsu in view of Hoshino, stating that Ishimatsu discloses the use of a high hat stand comprising a rod which is movable upward and downward by a foot pedal 12 so as to move a movable cymbal up and down to a stationary cymbal 7, the rod being comprised of an upper rod 3 that is threadably connected in a disengageable fashion in a connecting section, but does not disclose the use of an elastic section; Hoshino discloses the use of an elastic section 40, 50 that is compressed upon connection of the rod members and undergoes elastic recovery upon separation of the rod members is disposed in the connection section; and it would have been obvious to one of ordinary skill in the art to modify Ishimatsu in view of Hoshino.

In reply thereto, Applicant would like to first point out that Applicant's invention is an operation rod for a high hat stand which is comprised of an upper rod member and a lower rod member that are connected to each other. So as to prevent rattling and loosening at the connecting portion of the operation rod of Applicant's invention, the upper and lower rod members are connected with an elastic section 43 therebetween. With the above, Applicant will now discuss the prior art cited by the Examiner.

Applicant has carefully reviewed Ishimatsu and respectfully submits that the spacers 30 and 31 are provided at a location between the lower end of the stand member 3 and the connection member 22 so as to penetrate the operation rod 4 to thus allow the pedal angle to be changed. Applicant respectfully submits that this construction is for the purposes of connecting a pedal to a rod and not for connecting to rod members, particularly an upper and lower rod member together. Accordingly, Applicant respectfully submits Ishimatsu does not disclose connecting together an upper and lower rod member or that a spacer would be provided between the upper and lower rod members at the connection point.

In addition, Applicant has carefully reviewed Hoshino and respectfully submits that Hoshino merely discloses a cymbal sandwiched between elastic members 4 and 5 so that the cymbal can be mounted to the tip end of the rod. Accordingly, Applicant respectfully submits that Hoshino does not teach anything concerning the connection of an upper and lower rod members.

In view of the above, therefore, Applicant respectfully submits that the combination suggested by the Examiner is not only not Applicant's invention but also Applicant's invention is

not suggested by either Ishimatsu or Hoshino. Therefore, Applicant respectfully submits that claims 1-3 are not obvious over Ishimatsu in view of Hoshino.

Applicant also acknowledges the Examiner's statement that claims 4-9 are allowed and Applicant accepts these allowed claims.

Applicant further respectfully and retroactively requests a one-month extension of time so as to respond to the Office Action. Please charge Deposit Account No. 11-1445 in the sum of \$110.00 as the fee.


Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

In view of the above, therefore, it is respectfully requested that this Amendment be entered, favorably considered and the case passed to issue.

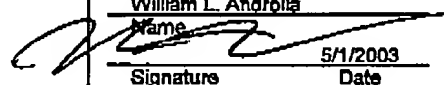
Please charge any additional costs incurred by or in order to implement this Amendment or required by any requests for extensions of time to KODA & ANDROLIA DEPOSIT ACCOUNT NO. 11-1445.

Respectfully submitted,

KODA & ANDROLIA

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TECHNOLOGY CENTER 2800

Application No. 09/882,545

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS:**

Claim 1 has been amended as follows:

1. (Amended) A high-hat stand comprising an operating rod, which is movable upward and downward by a foot pedal so as to move a movable cymbal up and down relative to a stationary cymbal, said operating rod being comprised of an upper rod member and a lower rod member that are threadably connected in a disengageable fashion in a connecting section; wherein

an elastic section which is compressed upon connection of said upper and lower rod members and undergoes elastic recovery upon separation of said upper and lower rod members is disposed in said connecting section.